

[*Ruud v. Westinghouse Hanford Co.*](#), 88-ERA-33 (Sec'y Feb. 14, 1990)

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U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

DATE: February 14, 1990
CASE NO. 88-ERA-33

IN THE MATTER OF

CASEY RUUD,
COMPLAINANT,

v.

WESTINGHOUSE HANFORD COMPANY,
RESPONDENT.

BEFORE: THE SECRETARY OF LABOR

ORDER TO SUBMIT SETTLEMENT

Before me for review is a [recommended] Order of Dismissal with Prejudice issued by Administrative Law Judge (ALJ) Edward C. Burch on August 3, 1988.¹ The order dismissed the captioned case, which arises under Section 210 of the Energy Reorganization Act of 1974, as amended (ERA), 42 U.S.C. § 5851 (1982). It bears the signatures of counsel for the Complainant and the Respondent, as well as that of the ALJ, and states that the parties have stipulated to its entry, "having agreed that all matters pending herein have been fully compromised and settled"

The order expressly refers to a compromise and settlement of the claim by the parties. The terms of settlement are not disclosed in the record, however. Although it is not necessary that a settlement agreement be part of the final order, under 42 U. S. C. § 5851 (b) (2) (A), a case may not be dismissed on the basis of a settlement unless the settlement has been reviewed and the Secretary has found that it is fair, adequate and reasonable *See Thompson v. U.S. Department of Labor*, 885 F.2d 551, 556 (9th Cir. 1989); *Fuchko and Yunker v. Georgia Power, Co.*, Case Nos. 89-ERA-9 and 89-ERA-10, Sec. Order March 23, 1989, and cases cited therein, slip op. at 2.

Accordingly, the parties are ordered to submit a copy of the settlement agreement to me for review within thirty days of

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receipt of this order. If all parties, including the Complainant, have not signed the agreement, the parties shall submit a certificate or stipulation, signed by all the parties to the agreement, including the Complainant individually, demonstrating their informed consent to the agreement.

SO ORDERED.

ELIZABETH DOLE
Secretary of Labor

Washington, D.C.

[ENDNOTES]

¹Although bearing this date, the order was not forwarded to me in a timely manner and has come to my attention only recently. Pursuant to the implementing regulations at 29 C.F.R. § 24.6(a) and (b) (1989), the ALJ issues only recommended decisions which must be forwarded to the Secretary for a final order.